

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

SALVADOR SANTIAGO, EFRAIN SALDIVAR,  
and ENRIQUE MORALES,  
on behalf of themselves, FLSA Collective Plaintiffs,  
and the Class,

Plaintiffs,

v.

THE TEQUILA GASTROPUB LLC d/b/a THE  
DAISY, FOUR GREEN FIELDS LLC d/b/a  
AGAVE, FIVE GREEN FIELDS LLC d/b/a  
MOJAVE, JAMES O'HANLON, SUSAN  
O'HANLON, and JAMES MCCARTIN,

Defendants.

Case No.: 1:16-cv-7499

**~~PROPOSED~~ ORDER**

WHEREAS, on April 7, 2020, Plaintiffs SALVADOR SANTIAGO, EFRAIN SALDIVAR, and ENRIQUE MORALES ("Plaintiffs") moved to enforce the Settlement Agreement and Release ("Settlement Agreement") in this action (the "Motion");

WHEREAS, the Court has considered all arguments made in support of the Motion and in opposition;

WHEREAS, the Court finds that Defendants FOUR GREEN FIELDS LLC d/b/a AGAVE, FIVE GREEN FIELDS LLC d/b/a MOJAVE, and JAMES MCCARTIN ("McCartin Defendants") have breached the Settlement Agreement and have failed to cure within the required time period;

It is hereby ORDERED that:

1. Judgment shall be entered against McCartin Defendants;

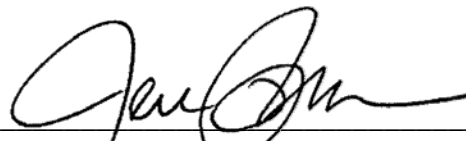
2. McCartin Defendants shall pay Plaintiffs the amount of \$1,747.44, pursuant to the Settlement Agreement, within five (5) calendar days of the entry of this Order;

3. McCartin Defendants shall pay Plaintiffs' counsel ~~\$737.50~~ <sup>\$427.50</sup> in attorneys' fees incurred in connection with the enforcement of the Settlement Agreement within five (5) calendar days of the entry of this Order;

4. The Clerk of the Court shall enter the attached judgment on the Court's docket; and

5. Pursuant to New York Labor Law Section 198(4), if any amounts remain unpaid upon the expiration of ninety (90) days following issuance of judgment, the total amount of the judgment shall automatically increase by fifteen (15%) percent.

It is so ORDERED this 30 day of April, 2020.



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The Honorable Jesse M. Furman  
United States District Judge

## UNITED STATES DISTRICT COURT

for the

Southern District of New York

Salvador Santiago et al

*Plaintiff*

v.

The Tequila Gastropub LLC et al

*Defendant*

Civil Action No. 1:16-cv-7499

## JUDGMENT IN A CIVIL ACTION

The court has ordered that *(check one)*:

☒ the plaintiff *(name)* Salvadore Santiago et al recover from the defendant *(name)* The Tequila Gastropub LLC et al the amount of One thousand seven hundred forty-seven and forty-four cents dollars (\$ 1,747.44 ), which includes prejudgment interest at the rate of 9.00 %, plus post judgment interest at the rate of \_\_\_\_\_ % per annum, along with costs.

☐ the plaintiff recover nothing, the action be dismissed on the merits, and the defendant *(name)* \_\_\_\_\_ recover costs from the plaintiff *(name)* \_\_\_\_\_.

☐ other: \_\_\_\_\_

This action was *(check one)*:

☐ tried by a jury with Judge \_\_\_\_\_ presiding, and the jury has rendered a verdict.

☐ tried by Judge \_\_\_\_\_ without a jury and the above decision was reached.

☒ decided by Judge Jesse M. Furman on a motion for judgment pursuant to settlement agreement

Date: \_\_\_\_\_

CLERK OF COURT

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*